

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LISA NELSON, personally and as  
assignee of claims belonging to the  
Shanandoah Trust, H. Telford  
personally and as assignee  
to the claims of Marti Lundahl,

Plaintiff,

vs.

MOUNTAIN WEST FARM BUREAU  
MUTUAL INSURANCE COMPANY;  
JEFFREY A. DONNELL; GEORGE E.  
POWERS; LAW OFFICES OF SUNDAHL,  
POWERS, KAPP &  
MARTIN, D. CHRISTINSEN, U.S. POSTAL  
EMPLOYEES SUSAN  
AUKEMA AND PAMELLA GEE  
and DOES 1-10 Defendants,

Defendants.

Case No. 8:16-CV-368

[1] MOTION TO LIFT STAY FOR THE  
LIMITED PURPOSE OF  
[2] RENEWED MOTION TO DISMISS

BY DEFENDANTS GEORGE POWERS  
AND SUNDAHL, POWERS, KAPP &  
MARTIN

COME NOW Defendants George E. Powers and Sundahl Powers Kapp & Martin, LLC, in the above-captioned matter and move the Court to lift its stay for the exclusive, limited purpose of ruling on a previously-filed motion to dismiss: [Doc. #9](#) [Filed: 08/15/16, Page ID # 105]. The Defendants' motion to dismiss is hereby sought to be reasserted or renewed, if this Court will permit the lift of stay for the limited purpose of considering the motion.

In support (and by way of overview or review), the moving Defendants state as follows:

1. This matter was filed and removed to this court 7/28/16. Initial motions by certain defendants raised questions as to fraud. Thereafter, certain parties were ordered to appear for a hearing, orders were issued, all culminating in

the matter being referred to the U.S. Attorney for investigation and in this Court's order staying all pending motions, including a pending motion to dismiss filed by these defendants.

2. The pending motions were then formally "terminated without prejudice . . . for statistical purposes" and this Court's Order further states, "The motions are terminated without prejudice to reassertion at the time the stay is lifted in these actions." [[Doc. #56](#) 8:16-cv-00368-RGK-PRSE Filed: 10/04/16 Page 3 of 4 - Page ID # 737]].
3. The Defendants' initial motion to dismiss (sought to be reasserted by this Motion) is found at: [Doc. #9](#) [Filed: 08/15/16, Page ID # 105] and the supporting brief is found at: [Doc. #10](#) [Filed: 08/15/16].
4. In support, Defendants further state:
  - a. Legal authority sufficient to support the motion to dismiss was provided to the court, and thus, this lawsuit can remain pending and stayed while the matter is being investigated, even if the Defendants are dismissed.
  - b. The interests of justice favor dismissal because continued, ongoing litigation (despite the stay) encumbers the moving Defendants.

DATED this 14th day of February, 2019.

GEORGE E. POWERS and SUNDAHL POWERS  
KAPP & MARTIN, LLC, Defendants.

By: /s/ Renee A. Eveland

Renee A. Eveland #23156

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CERTIFICATE OF SERVICE

I, Renee A. Eveland, hereby certify that on February 14th, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notice to all counsel of record.

/s/ Renee A. Eveland

Renee A. Eveland